

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of)	
)	
Amendment of Part 97 of the Commission's Rules)	
Governing the Amateur Radio Service)	
)	
Petition for Spectrum Deregulation in the Amateur)	RM-11305
Service)	
)	

Comment of Robert G. Rightsell, AE4FA

INTRODUCTION

As an amateur radio operator first licensed in 1963, I have serious concerns about the actions proposed in RM-11305 filed by the "Communications Think Tank," which we are left to assume is a title of convenience as no formal organization is documented in the petition.

DISCUSSION

1. The survey described in the petition can hardly be viewed as representative of the broad scope of amateur operations. Enumerated below are serious shortcomings of the survey process.
 - a. It was conducted for only one-half of one day during a time when the sun spot cycle, which controls propagation to a large extent, was nearing the bottom of its eleven-year cycle. The period chosen is one of very high use by phone operators on 40 meters especially. This alone suggests bias. A group wishing to present a comprehensive report would have undertaken a long-term study covering all bands for at least one full solar cycle.
 - b. It was conducted using only one station in one location, thus discounting all amateur activity lacking propagation to that location. The petition fails to mention even the location of the lone monitoring station. A group wishing to paint a truer picture of even the miniscule period chosen would have set up identical monitoring stations in, at the very least, all fourteen callsign districts of the US (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) and, preferably, in each of the 50 states as well as Puerto Rico and the Virgin Islands.

- c. As stated in the survey report, the station employed for monitoring used typical amateur antennas for 160, 80, and 40 meters. However, these are not omni directional antennas and the heights and orientations of their installations are not provided, making it impossible to derive any sense of their usefulness for this project. Further, no specifics were given on what type antenna was used for 20 meters.
- d. It discounted any on-going communications in which a US amateur was not involved. Amateur radio is an international pursuit as noted in §97.1(e) of the Commission's regulations, *"Continuation and extension of the amateur's unique ability to enhance international goodwill."* Disregarding this alone rendered the survey invalid.
- e. The survey results note that a CW contest (this was the IARU Region 1 Field Day activity), several phone round-tables, and some formal nets were all in progress during the period chosen, but plainly states many on-air participants were not counted.
- f. The survey was conducted, as best as can be gleaned from the chart presented, only on three amateur bands – 80, 40, and 20 meters – despite the fact that the same chart indicates MUF to Europe at times reached the 15 meter band.
- g. On the issue of MUF (maximum useable frequency), we are left to wonder why this factor was not considered for parts of the world other than Europe. As we know, MUF to various regions is closely tied to time of day, thus again giving rise to questions about the time period chosen.
- h. 30, 17, and 12 meters were apparently simply discounted as not worthy of survey, even though the survey report hints that many amateurs retreat to the WARC bands (30, 17, and 12 meters) during contests.
- i. Finally the chart of contact counts presented is not at all well explained. It appears to show a comparison of three operating modes, yet there are five columns of data. Two, following the CW and phone columns, are labeled "control," yet there is no control column for the keyboard listing. Having read the petition several times, I still do not understand what that "control" column represents or how it was derived.

Considering these shortcomings together, it is not difficult to conclude that the results are not at all representative of the broader scope of amateur radio activity, both in terms of actual participation by US licensees and the truly international nature of the amateur radio service.

It would be a travesty to base any rulemaking decision on such a completely myopic view. This alone should be sufficient for the Commission to deny the petition in its entirety.

2. The petitioners state, *“our Canadian neighbors provide an excellent example of voluntary band plan success. Canadian phone operation coexists quite well with US. operators in the current US. CW/Data sub bands.”* From this statement, it is quite obvious that they are operators of phone, rather than CW or digital modes.

Despite that Canadians enjoy the same Region 2 allocations we do, they constantly invade the lower ends of the HF bands using phone, especially on 40 meters. This is highly disruptive. At one time it was somewhat understandable, as their privileges gave them an advantage in pursuing contacts with stations in Regions 1 and 3, particularly on 40 meters. But, as a result of the last International Telecommunications Union conference, 40 meter amateur privileges are being harmonized worldwide. While the process is not complete, many, if not most, countries in Regions 1 and 3 have already given their amateurs privileges from 7.1MHz to 7.2MHz. Unfortunately, due to habit I suppose, the phone activity has not moved up to take advantage of the expanded allocation.

3. The petitioners state, *“Our proposal, if approved, would reduce potential friction among operators when bands are in heavy use and congested, especially during contests. Greater flexibility in selection of operating frequencies will enhance cooperation between those who choose to participate in organized operating events and those who do not.”*

Quite the contrary. This proposal, if enacted, would create total chaos on the amateur bands. During phone contests participants would spread completely across each band, eliminating any chance for users of CW and digital modes to operate. The same would be true during digital contests and CW contests. I would certainly not be cooperation that's enhanced, but unbridled competition.

For gentlemen's agreements to be effective, all parties must be gentlemen. The sad fact is that is not the case in society, and it is not the fact in amateur radio.

4. The petitioners state, *“Communications authorities in many countries rely on amateur service licensees to achieve better spectral efficiency through voluntary band plans.”*

That is certainly true. It is not, however, the whole truth. It ignores the fact that the US amateur population is, by far, the largest in the world. The only nation that comes close is Japan. Therefore, the voluntary band plans of other nations are heavily influenced by our regulatory band planning. With the worldwide harmonization of amateur allocations on 40 meters, this will become an ever stronger factor.

Failure of the Commission to maintain regulatory band separation by mode would result in decades of relative harmony and cooperation being replaced with chaos. The HF bands would become nothing more than a free-for-all, a mass brawl. This certainly would not contribute to *“Continuation and extension of the amateur's unique ability to enhance international goodwill.”*

5. Having reviewed the comments filed on this petition to date, I am comforted by the fact that the vast majority of commenters have spoken in opposition. It is very clear that the amateur community has formed a strong consensus that this petition is based on a faulty premise, relies on seriously flawed data, and lacks any merit whatsoever.

CONCLUSION

I beseech the Commission to fully consider all the issues and concerns presented here and deny this petition in its entirety, and to do so quickly.

Sincerely,

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Submitted and signed electronically via ECFS